

HELENA/WEST HELENA SCHOOLS and Arkansas School
Board Association v. Regina HISLIP

CA 02-13

83 S.W.3d 424

Court of Appeals of Arkansas
En Banc
Opinion delivered August 28, 2002

ATTORNEY & CLIENT — ATTORNEY'S FEES — ORDER GRANTING
ATTORNEY'S FEE & IMPOSING RULE 11 SANCTION. — The appel-
late court awarded appellee's counsel the maximum attorney's fee
pursuant to Ark. Code Ann. § 11-9-715(b)(1)(2) (Repl. 2002);
concluding that appellants' appeal violated Ark. R. App. P.—Civ.
11(b)(1) as being a frivolous appeal, the appellate court directed
appellants' counsel to reimburse appellee for her portion of the
attorney's fees payable to her counsel.

Appeal from Arkansas Workers' Compensation Commission;
Order Granting Attorney's Fee and Imposing Rule 11 Sanction.

Roberts, Roberts, & Russell, P.A., by: *Michael L. Roberts*, for
appellant.

Philip M. Wilson, for appellee.

PER CURIAM. In *Helena/West Helena Schools v. Hislip*, 78
Ark. App. 109, 79 S.W.3d 404 (2002), we delivered an

opinion affirming a decision of the Workers' Compensation Commission that awarded Regina Hislip additional medical treatment. In addition, we ordered appellant Helena/West Helena Schools and its counsel to show cause why sanctions should not be imposed against them for filing a frivolous appeal. Thereafter, counsel for appellee Hislip filed a motion for attorney's fees, and counsel for Helena/West Helena schools complied with our directive and filed a timely "response to show cause."

[1] We award Ms. Hislip's counsel the maximum attorney's fee of \$1,000.00 pursuant to Ark. Code Ann. § 11-9-715(b)(1)(2) (Repl. 2002). This fee is to be paid equally by the employer (or carrier) and the injured employee in accordance with Ark. Code Ann. § 11-9-715(b)(1) (Repl. 2002). However, we conclude that appellants' appeal violated Rule 11(b)(1) of the Arkansas Rules of Appellate Procedure—Civil, as being a frivolous appeal. Therefore, as a sanction we direct appellants' counsel to reimburse Ms. Hislip for her \$500.00 portion of the attorney's fees payable to her counsel.
